

UNAPPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
TASK FORCE ON DEATH CERTIFICATES
MEETING MINUTES

The Task Force on Death Certificates convened for a committee meeting on Friday, April 30, 2010 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, 2nd Floor, Conference Room #1, Henrico, Virginia.

The following Board members were present:

Willard D. Tharp, FSP
Billie Watson Hughes, FSP
Michael Leonard, FSP
Randolph T. Minter, FSP
Blair Nelsen, FSP

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Elaine J. Yeatts, Senior Policy Analyst
Annie B. Artis, Licensure Operations Manager

Representative from the Office of the Attorney General was present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Other Task Force Members Present:

Barry Robinson, Education Chair for the Virginia Mortuary Association
Meredyth Partridge, Regulatory Support Services, Inc. (RSS)
David Anderson, Virginia Funeral Directors Association
Bob Oman, Virginia Funeral Directors Association
Lacy Whittaker, Virginia Funeral Directors Association
Bo Kenney, Independent Funeral Homes of Virginia
Bruce Kenney, Independent Funeral Homes of Virginia

Guests Present:

Tyler Cox, Medical Society of Virginia
Scott Johnson, Medical Society of Virginia

CALLED TO ORDER

Mr. Tharp, Chair, called the Task Force on Death Certificates committee meeting to order at 10:10 a.m. He asked that everyone in attendance introduce themselves.

Ms. Hahn greeted and thanked everyone for coming to voice their concerns in regard to acquiring death certificates in the State of Virginia.

Mr. Tharp brought to the committee's attention, the section of the Legislative Information System in regard to §32.1-263(C) Filing death certificates; medical certification; investigation by medical examiner which states the following:

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by a medical examiner is required by §32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to §54.1-2972.

In the absence of the physician or with his approval, the certificate may be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, if such individual has access to the medical history of the case and death is due to natural causes.

CONCERNS DISCUSSED

- Delays in physicians signing death certificates.
- If an error is discovered, the process starts all over and the physician must re-sign the death certificate. In many cases, this can cause a delay and will prevent the family from receiving any insurance benefit until properly filed. In a rural area this delay can become significant. Perhaps, DOH can look at this process and recommend some positive changes. (Funeral licensees have put their license in jeopardy and have signed the death certificate themselves in order to expedite the process for the family. The Funeral Board has seen an increase in this type of case).
- Some physicians are not familiar with death certificates.
- Physicians are not being held accountable by the Board of Medicine or the Health Department with compliance with the law.
- The Board of Medicine does not believe that they have the authority to discipline physicians when they violate the law because the legal requirement is not listed in Chapter 29 of Title 54.1 but instead is listed in Title 32.1 of the Code of Virginia.
- The process of acquiring death certificates needs to be brought into the 21st century, such as not allowing a different color of ink on the death certificate.
- When errors are made on the death certificate, the funeral home is charged for re-filing the death certificate
- Physicians are concerned about liability issues;
- Physicians are concerned with the possibility of being called as a witness during a trial to testify that it is indeed their signature on the death certificate;
- Physicians are reluctant to sign the death certificate when they have not seen their patient for some time.

- Some physicians in Virginia charge to sign death certificates;
- Lack of physician education regarding death certificates
- Physicians may not understand the seriousness and impact of not signing death certificates in a timely manner
- On the death certificate it does not list when it should be completed; it simply states “as soon as possible.” The death certificate form should be amended to reflect the requirements of the law, i.e., “within 24 hours”.

POSSIBLE SOLUTIONS SUGGESTED

- In some states, hospitals and long-term care facilities cannot release bodies until the death certificates are signed and received. Perhaps Virginia should look at making this change.
- Have the Board of Medicine hold the physicians accountable.
- Address the medical liability concern that physicians commonly have.
- Have a meeting to bring all entities involved to the table to reach viable solutions to the problem of getting death certificates signed within 24 hours.
- Any recommendation will need to address standards and processes across the Commonwealth.
- Director of Vital Statistics contact hospitals and hospitalists and give them direction in regarding to promptly signing death certificates. Acquire guidance and approval from the Director of Vital Statistics to allow the use of green border death certificates in hospitals.
- Physicians should not charge to sign death certificates, it is their statutory responsibility.
- Network with other states and determine what processes they use in order to successfully have death certificates signed in a timely manner.
- Do not accept bodies unless there is a signed death certificate signed and readily available; states who adopt this measure have a 92% success rate.
- Educate and close the gap in communication and increase availability of those authorized to sign death certificates.
- Allow nurse practitioners to sign death certificates.
- Response time has proven to be swift when funeral service providers show up at a physician’s office wearing a large badge revealing their profession; they are quickly serviced and sent on their way.
- Have definitive consequences to physicians if death certificates are not signed within 24 hours.
- Waiting for electronic death certificates but this still will not resolve the issue of the physician’s delay in signing the death certificate.
- Amend the language on the death certificate outlining the statutory responsibility to sign the certificate within 24 hours.
- Develop a one page executive summary document that can be shared with all physicians for purposes of education. Document could be placed on the BOM’s & Funeral’s website and could be sent to all new physician and funeral service licensees.

- Statutory changes that would add a section to Title 54.1 Chapter 29 (BOM) that would require physician's signatures on death certificates within 24 hours and would give the BOM the ability to sanction the physicians that did not abide by the 24 hour requirement.
- Statutory changes that would prohibit funeral service providers and funeral homes to accept a body before there is a signed death certificate.
- Statutory change to avoid/prevent physicians from being called as a witness only to testify that it is indeed their signature on the death certificate.
- Fix signature problem first and then go to electronic filing.
- Hold additional meetings with representatives from VHCA, Board of Long-Term Care Administrators, Department of Health -Vital Records & Medical Examiners Office, Hospital Association, Board of Medicine and the Board of Nursing.

Mr. Tharp and Ms. Hahn thanked everyone for attending the meeting.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 11:58 a.m.

Willard D. Tharp, FSP, Chair

Lisa R. Hahn, Executive Director

DATE

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